

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ACE AMERICAN INSURANCE COMPANY

Petitioner,

v.

MEADOWLANDS DEVELOPER LIMITED  
PARTNERSHIP

Respondent.

CIVIL ACTION

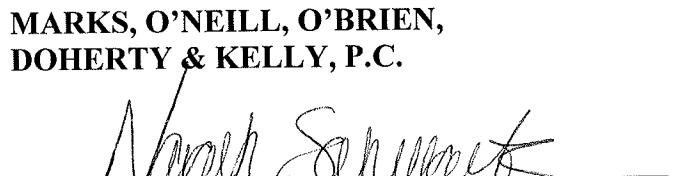
NO. 2:13-CV-01613

**AMENDED REQUEST FOR ENTRY OF DEFAULT JUDGMENT**

Petitioner, ACE American Insurance Company, requests that the clerk of court enter default judgment against defendant, Meadowlands Developer Limited Partnership pursuant to Federal Rule of Civil Procedure 55(b). In support of this request, plaintiff relies upon the affidavit submitted herein.

Dated this 29<sup>th</sup> day of October, 2013.

**MARKS, O'NEILL, O'BRIEN,  
DOHERTY & KELLY, P.C.**

  
\_\_\_\_\_  
Patrick C. Lamb, Esq. (Pa. Bar No. 70817)  
Noah A. Schwartz, Esq. (Pa. Bar No. 307835)  
Marks, O'Neill, O'Brien Doherty & Kelly, P.C.  
1800 J.F.K. Blvd., Suite 1900  
Philadelphia, PA 19103  
(215) 564-6688  
Attorneys for Petitioner,  
ACE American Insurance Company

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**AFFIDAVIT IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT JUDGMENT**

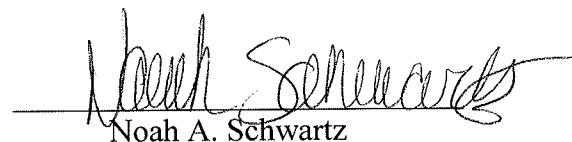
I, Noah A. Schwartz, being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The within petition is to confirm an arbitration award entered on March 5, 2013 by a duly appointed panel of arbitrators against the respondent in the amount of **\$5,214,249.10**.
3. The arbitration award provided for the accrual of monthly interest on three (3) underlying accounts.
4. The first account would accrue simple interest in the amount of \$10,791.08 to be paid on the 23<sup>rd</sup> of each month, or \$354.78 daily  $((\$10,791.08 \times 12) / 365 = \$354.78)$ . Interest to February 23, 2013 was included in the arbitration award. 243 days have passed since February 23, 2013, resulting in **\$86,210.38** being due on the first account as of October 23, 2013.
5. The second account would accrue simple interest in the amount of \$12,488.73 to be paid on the 23<sup>rd</sup> of each month, or \$410.59 daily  $((\$12,488.73 \times 12) / 365 = \$410.59)$ . Interest

to February 23, 2013 was included in the arbitration award. 243 days have passed since February 23, 2013, resulting in **\$99,772.98** being due on the second account as of October 23, 2013.

6. The third account would accrue simple interest in the amount of \$10,651.17 to be paid on the 15<sup>th</sup> of each month, or \$350.18 daily  $((\$10,651.17 \times 12) / 365 = \$350.18)$ . Interest to February 15, 2013 was included in the arbitration award. 251 days have passed since February 15, 2013, resulting in **\$87,894.04** being due on the third account as of October 23, 2013.

7. Accordingly, judgment in the sum certain of **\$5,488,126.50** (\$5,214,249.10. + \$86,210.38 + \$99,772.98 + \$87,894.04) plus daily interest in the amount of \$1,155.55 (\$354.78 + \$410.59 + \$350.18) beginning October 24, 2013 plus costs in the amount of \$350.00 as authorized by Rule 55(b)(1), Rule 54 (d)(1) and 28 U.S.C. § 1920 should be entered in favor of petitioner and against respondent

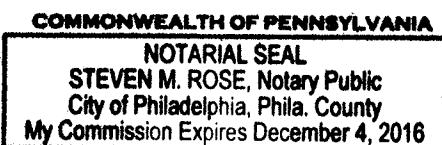


\_\_\_\_\_  
Noah A. Schwartz

SUBSCRIBED AND SWORN to before me  
this 30 day of October, 2013.



\_\_\_\_\_  
Notary Public in and for said  
County and State



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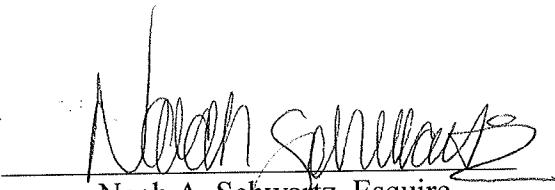
**CERTIFICATE OF SERVICE**

I, Noah A. Schwartz, Esquire, hereby certify that I am employed by Marks, O'Neill, O'Brien, Doherty & Kelly, P.C. and am of such age and discretion as to be competent to serve papers.

I further certify that on this date, I caused a copy of the Request for Amended Entry of Default Judgment and Affidavit in Support of Request to be sent by certified mail, return receipt requested, to the defendant at the address stated below, which is the last known address of said defendant.

Meadowlands Developer Limited Partnership,  
c/o Corporation Service Company,  
830 Bear Tavern Road,  
West Trenton, NJ 08628

Ed Dailey  
Colony Capital, LLC  
660 Madison Avenue  
Suite 1600  
New York, NY 10065  
edailey@colonyinc.com

  
Noah A. Schwartz, Esquire

Dated this 29<sup>th</sup> day of October, 2013